

REMARKS

The Examiner has rejected claims 7-9 under 35. U.S.C. 112, first paragraph for failing to comply with the written description requirement. Claims 7-9 were also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Finally, claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bienek et al. (WO 02/078388 A2) in view of Foster et al. (U.S. Patent No. 5,815,578). Claim 7 has been amended to recite "wherein a signal channel and corresponding noise canceling signal based on the signal channel are supplied to the same speaker," dependent claim 8 has been amended to improve readability. Applicants now request that the Examiner reconsider the claims in view of the amendments and remarks herein.

The Examiner states that "the specification as originally filed does not provide support for 'the same speaker or speakers'" producing a primary sound wave and a leakage sound wave as recited in claim 7. (Examiner, page 2.) Applicants' amendment herein renders the rejection moot. Therefore, Applicants request that the 35 U.S.C. 112 rejections be withdrawn.

In the prior art rejection of the former claim, the Examiner states that Foster discloses:

[A] leakage canceling signal which cancels the surround sound leakage signal in the vicinity of listener 100 so that the perception of listener 100 that the surround sound signal is emanating from reflecting surfaces is improved. For the surround sound leakage signal, a leakage canceling signal is generated in the vicinity of the listener by applying a leakage transmission signal to a direct speaker. The leakage canceling signal effectively suppresses the surround sound leakage signal so that it does not disturb the listener's perception.

Examiner's Rejection, page 6.) The Examiner also relies upon Foster column 5 lines 22-36, column 8 lines 18-57, and Figure 3. Applicants respectfully submit that Foster does not disclose a receiving apparatus "wherein a signal channel and corresponding noise canceling signal based on the signal channel are supplied to the same speaker" as disclosed by Applicants in, for example, Figure 8. Rather, Foster discloses in Figure 3 that the surround sound signal 304 is supplied to speaker 300 and the corresponding leakage canceling signal is supplied to speaker 302. While Foster discloses a left channel stereo signal 312 (Foster, col. 8 lines 30-32) combined with the leakage canceling signal and supplied to speaker 302 (Foster, col. 8 lines 42-46), leakage canceling signal corresponds to surround sound signal 304 and not the left channel stereo signal 312. Therefore, Applicants respectfully submit that Foster does not disclose a receiving apparatus of Applicants' invention.

Accordingly, it is respectfully submitted that the claims are in condition for allowance. For reasons similar to those previously described with regard to claim 7, it is also respectfully submitted that dependent claims 8, 9 and 14, are also in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

Application No.: 10/532,546

Docket No.: SONYJP 3.3-1031

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 19, 2008

Respectfully submitted,

By 

Raymond B. Churchill Jr.

Registration No.: 44,617

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

946317\_1.DOC